

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1878

Introduced by Assembly Member Stone

February 19, 2014

An act to amend Sections 48853.5, 49076, 49085, and 51101 of the Education Code, to amend Section 1529.2 of the Health and Safety Code, and to amend Sections 102, 361, 10601.2, 16010.6, 16206, 16501.1, and 16501.5 of, and to add Sections 16010.7 and 16501.4 to, the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1878, as amended, Stone. Foster care: data.

(1) Existing law requires each local educational agency to designate a staff person as the educational liaison for foster children. Existing law generally requires a local educational agency to allow a foster child to continue his or her education in the school of origin for the duration of the jurisdiction of the court at the initial detention or placement, or any subsequent change in placement. Existing law establishes provisions governing when and how a foster child may moved from his or her school of origin and enrolled in a new school.

This bill would require, when a foster child is moved to a new school, the liaison for the new school to notify appropriate administrative staff and teachers within 5 school days that a student is in foster care for the purpose of providing additional educational and supportive services to improve the educational outcomes of the child, as specified.

The bill would also require a county office of education foster youth services liaison to work collaboratively with his or her respective county welfare agencies and the juvenile courts to recruit and retain adults

who are willing and able to volunteer to serve as educational rights holders for children in foster care. The bill would require, no later than July 1, 2015, and each year thereafter, the liaison to provide to the presiding judge of the juvenile court a list of individuals who have expressed an interest in becoming an educational rights holder for a child in foster care. The bill would also require, no later than July 1, 2015, and each year thereafter, the liaison to develop and make available to the county welfare agency a list containing the names and contact information for all foster youth educational liaisons serving in local educational agencies in that county. By imposing a higher level of service on county employees, the bill would impose a state-mandated local program.

(2) Existing law prohibits a school district from permitting access to pupil records without written parental consent or under judicial order, except under specified circumstances, including to an agency caseworker or other representative of a state or local child welfare agency or tribal organization, as specified.

This bill would additionally prohibit the State Department of Education from permitting access to those records without written parental consent or under judicial order, except as specified. The bill would also revise the circumstances under which an agency caseworker or other representative of a state or local child welfare agency or tribal organization may obtain access to pupil records by requiring that access be permitted upon request of that entity. The bill would also set forth a related qualification regarding that access.

The bill would also require, no later than September 1, 2015, the State Department of Education and the State Department of Social Services, in consultation with specified entities, to develop a model governance policy for local educational agencies, as defined, on the use of educational information and data of students in foster care. The bill would require, no later than January 1, 2016, each local educational agency, at a regularly scheduled public hearing, to adopt a policy governing the use of educational information and data of students in foster care. By imposing a higher level of service on local entities, the bill would impose a state-mandated local program.

(3) Existing law governs the rights of parents and guardians of pupils enrolled in public schools, including the right to be informed on a timely basis if their child is absent from school without permission and to receive the results of their child's performance on standardized tests and statewide tests.

This bill would make those provisions applicable to educational rights holders.

(4) Existing law requires every licensed foster parent to complete a minimum of 12 hours of foster parent training before the placement of any foster children with the foster parent. Existing law requires that training to cover specified subject matter, including an overview of the child protective system and accessing education and health services.

This bill would increase that minimum training requirement to 30 hours. The bill would also require the training to include trauma informed care and confidentiality and privacy rights and protections, and would revise and recast other subjects relating to accessing health and educational support services.

(5) Existing law establishes the Court-Appointed Special Advocate program to provide volunteers to serve as court appointed child advocates for dependent children in juvenile court proceedings. Existing law also requires the State Department of Social Services to administer a single statewide Child Welfare Services Case Management System to minimize the administrative and systems barriers that inhibit the effective provision of services to children and families. Existing law also establishes the Child Welfare Council to serve as an advisory body responsible for improving the collaboration and processes of agencies and courts that serve children and youth in the child welfare and foster care systems.

This bill would authorize the juvenile court to appoint a court-appointed special advocate as the educational rights holder for a dependent child under specified circumstances and make a related change. The bill would impose additional reporting and administrative duties on the department relating to working collaboratively and sharing information regarding foster youth. The bill would also require county welfare agencies to annually provide the names and contact information for foster youth caseworkers to county offices of education foster youth liaisons and foster youth educational services coordinators on or before July 1 of each year. The bill would require the Child Welfare Council to develop a model data and information memorandum of understanding in consultation with specified state and local public entities and private organizations to facilitate the sharing of foster care information and data, and to develop a related resource guide, as specified. The bill would also require, no later than January 1, 2016, child welfare and probation agencies, juvenile courts, and local educational agencies in each county to enter into memoranda of understanding for purposes of

enabling the sharing of foster care information and data, as specified. The bill would impose additional duties on state and local entities relating to foster care. By imposing a higher level of service on county employees, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law provides for the placement of certain youth in foster care and declares the policy of the Legislature that foster care should be a temporary method of care for the children of this state and that children have a right to a normal home life free from abuse. Existing law requires, in order to carry out that policy, each county welfare department or probation department to report to the State Department of Social Services, as specified, foster care characteristic data and care information deemed essential by the department to establish a foster care information system.~~

~~This bill would state the intent of the Legislature to enact legislation to improve and enhance the ability to share foster care information and data to improve outcomes for youth in foster care.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 48853.5 of the Education Code is amended
- 2 to read:
- 3 48853.5. (a) This section applies to a foster child. "Foster
- 4 child" means a child who has been removed from his or her home
- 5 pursuant to Section 309 of the Welfare and Institutions Code, is
- 6 the subject of a petition filed under Section 300 or 602 of the
- 7 Welfare and Institutions Code, or has been removed from his or
- 8 her home and is the subject of a petition filed under Section 300
- 9 or 602 of the Welfare and Institutions Code.
- 10 (b) Each local educational agency shall designate a staff person
- 11 as the educational liaison for foster children. In a school district

1 that operates a foster children services program pursuant to Chapter
2 11.3 (commencing with Section 42920) of Part 24 of Division 3,
3 the educational liaison shall be affiliated with the local foster
4 children services program. The educational liaison shall do all of
5 the following:

6 (1) Ensure and facilitate the proper educational placement,
7 enrollment in school, and checkout from school of foster children.

8 (2) Assist foster children when transferring from one school to
9 another school or from one school district to another school district
10 in ensuring proper transfer of credits, records, and grades.

11 (c) If so designated by the superintendent of the local educational
12 agency, the educational liaison shall notify a foster child's attorney
13 and the appropriate representative of the county child welfare
14 agency of pending expulsion proceedings if the decision to
15 recommend expulsion is a discretionary act, pending proceedings
16 to extend a suspension until an expulsion decision is rendered if
17 the decision to recommend expulsion is a discretionary act, and,
18 if the foster child is an individual with exceptional needs, pending
19 manifestation determinations pursuant to Section 1415(k) of Title
20 20 of the United States Code if the local educational agency has
21 proposed a change in placement due to an act for which the
22 decision to recommend expulsion is at the discretion of the
23 principal or the district superintendent of schools.

24 (d) This section does not grant authority to the educational
25 liaison that supersedes the authority granted under state and federal
26 law to a parent or legal guardian retaining educational rights, a
27 responsible adult appointed by the court to represent the child
28 pursuant to Section 361 or 726 of the Welfare and Institutions
29 Code, a surrogate parent, or a foster parent exercising the authority
30 granted under Section 56055. The role of the educational liaison
31 is advisory with respect to placement decisions and determination
32 of the school of origin.

33 (e) (1) At the initial detention or placement, or any subsequent
34 change in placement of a foster child, the local educational agency
35 serving the foster child shall allow the foster child to continue his
36 or her education in the school of origin for the duration of the
37 jurisdiction of the court.

38 (2) If the jurisdiction of the court is terminated before the end
39 of an academic year, the local educational agency shall allow a
40 former foster child who is in kindergarten or any of grades 1 to 8,

1 inclusive, to continue his or her education in the school of origin
2 through the duration of the academic school year.

3 (3) (A) If the jurisdiction of the court is terminated while a
4 foster child is in high school, the local educational agency shall
5 allow the former foster child to continue his or her education in
6 the school of origin through graduation.

7 (B) For purposes of this paragraph, a school district is not
8 required to provide transportation to a former foster child who has
9 an individualized education program that does not require
10 transportation as a related service and who changes residence but
11 remains in his or her school of origin pursuant to this paragraph,
12 unless the individualized education program team determines that
13 transportation is a necessary related service.

14 (4) To ensure that the foster child has the benefit of matriculating
15 with his or her peers in accordance with the established feeder
16 patterns of school districts, if the foster child is transitioning
17 between school grade levels, the local educational agency shall
18 allow the foster child to continue in the school district of origin in
19 the same attendance area, or, if the foster child is transitioning to
20 a middle school or high school, and the school designated for
21 matriculation is in another school district, to the school designated
22 for matriculation in that school district.

23 (5) Paragraphs (2), (3), and (4) do not require a school district
24 to provide transportation services to allow a foster child to attend
25 a school or school district, unless otherwise required under federal
26 law. This paragraph does not prohibit a school district from, at its
27 discretion, providing transportation services to allow a foster child
28 to attend a school or school district.

29 (6) The educational liaison, in consultation with, and with the
30 agreement of, the foster child and the person holding the right to
31 make educational decisions for the foster child, may recommend,
32 in accordance with the foster child's best interests, that the foster
33 child's right to attend the school of origin be waived and the foster
34 child be enrolled in a public school that pupils living in the
35 attendance area in which the foster child resides are eligible to
36 attend.

37 (7) Before making a recommendation to move a foster child
38 from his or her school of origin, the educational liaison shall
39 provide the foster child and the person holding the right to make
40 educational decisions for the foster child with a written explanation

1 stating the basis for the recommendation and how the
2 recommendation serves the foster child's best interest.

3 (8) (A) If the educational liaison, in consultation with the foster
4 child and the person holding the right to make educational decisions
5 for the foster child, agrees that the best interests of the foster child
6 would best be served by his or her transfer to a school other than
7 the school of origin, the foster child shall immediately be enrolled
8 in the new school.

9 (B) The new school shall immediately enroll the foster child
10 even if the foster child has outstanding fees, fines, textbooks, or
11 other items or moneys due to the school last attended or is unable
12 to produce clothing or records normally required for enrollment,
13 such as previous academic records, medical records, including,
14 but not limited to, records or other proof of immunization history
15 pursuant to Chapter 1 (commencing with Section 120325) of Part
16 2 of Division 105 of the Health and Safety Code, proof of
17 residency, other documentation, or school uniforms.

18 (C) Within two business days of the foster child's request for
19 enrollment, the educational liaison for the new school shall contact
20 the school last attended by the foster child to obtain all academic
21 and other records. The last school attended by the foster child shall
22 provide all required records to the new school regardless of any
23 outstanding fees, fines, textbooks, or other items or moneys owed
24 to the school last attended. The educational liaison for the school
25 last attended shall provide all records to the new school within two
26 business days of receiving the request.

27 (D) *The liaison for the new school shall notify, within five school*
28 *days, appropriate administrative staff, including the foster youth*
29 *educational services coordinator, and teachers that a student is*
30 *in foster care for the purpose of providing additional educational*
31 *and supportive services to improve the educational outcomes of*
32 *the child. Disclosure of the foster care status of the child shall be*
33 *limited to only those staff and teachers who are directly involved*
34 *in providing instruction and educational support to the child.*

35 (9) If a dispute arises regarding the request of a foster child to
36 remain in the school of origin, the foster child has the right to
37 remain in the school of origin pending resolution of the dispute.
38 The dispute shall be resolved in accordance with the existing
39 dispute resolution process available to a pupil served by the local
40 educational agency.

1 (10) The local educational agency and the county placing agency
2 are encouraged to collaborate to ensure maximum use of available
3 federal moneys, explore public-private partnerships, and access
4 any other funding sources to promote the well-being of foster
5 children through educational stability.

6 (11) (A) It is the intent of the Legislature that this subdivision
7 shall not supersede or exceed other laws governing special
8 education services for eligible foster children.

9 (B) *It is the intent of the Legislature that county welfare agencies
10 and local educational agencies work closely together in a
11 collaborative manner to help provide for and improve the
12 educational outcomes of children in foster care. For this purpose
13 a county office of education foster youth services liaison shall do
14 the following:*

15 (i) *Work collaboratively with his or her respective county
16 welfare agencies and juvenile courts to recruit and retain adults
17 who are willing and able to volunteer to serve as educational rights
18 holders for children in foster care. No later than July 1, 2015, and
19 each year thereafter, the liaison shall provide a list of individuals
20 who have expressed an interest in becoming an educational rights
21 holder for a child in foster care to the presiding judge of the
22 juvenile court.*

23 (ii) *No later than July 1, 2015, and each year thereafter, the
24 liaison shall develop and make available to his or her respective
25 county welfare agency a list containing the names and contact
26 information for all foster youth education liaisons serving in local
27 educational agencies in that county.*

28 (f) For purposes of this section, “school of origin” means the
29 school that the foster child attended when permanently housed or
30 the school in which the foster child was last enrolled. If the school
31 the foster child attended when permanently housed is different
32 from the school in which the foster child was last enrolled, or if
33 there is some other school that the foster child attended with which
34 the foster child is connected and that the foster child attended
35 within the immediately preceding 15 months, the educational
36 liaison, in consultation with, and with the agreement of, the foster
37 child and the person holding the right to make educational decisions
38 for the foster child, shall determine, in the best interests of the
39 foster child, the school that shall be deemed the school of origin.

1 (g) This section does not supersede other law governing the
2 educational placements in juvenile court schools, as described in
3 Section 48645.1, by the juvenile court under Section 602 of the
4 Welfare and Institutions Code.

5 *SEC. 2. Section 49076 of the Education Code is amended to*
6 *read:*

7 49076. (a) ~~A~~*The department or a school district shall not*
8 *permit access to pupil records to a person without written parental*
9 *consent or under judicial order except as set forth in this section*
10 *and as permitted by Part 99 (commencing with Section 99.1) of*
11 *Title 34 of the Code of Federal Regulations.*

12 (1) Access to those particular records relevant to the legitimate
13 educational interests of the requester shall be permitted to the
14 following:

15 (A) School officials and employees of the school district,
16 members of a school attendance review board appointed pursuant
17 to Section 48321 who are authorized representatives of the school
18 district, and any volunteer aide, 18 years of age or older, who has
19 been investigated, selected, and trained by a school attendance
20 review board for the purpose of providing followup services to
21 pupils referred to the school attendance review board, provided
22 that the person has a legitimate educational interest to inspect a
23 record.

24 (B) Officials and employees of other public schools or school
25 systems, including local, county, or state correctional facilities
26 where educational programs leading to high school graduation are
27 provided or where the pupil intends to or is directed to enroll,
28 subject to the rights of parents as provided in Section 49068.

29 (C) Authorized representatives of the Comptroller General of
30 the United States, the Secretary of Education, and state and local
31 educational authorities, or the United States Department of
32 Education's Office for Civil Rights, if the information is necessary
33 to audit or evaluate a state or federally supported educational
34 program, or in connection with the enforcement of, or compliance
35 with, the federal legal requirements that relate to such a program.
36 Records released pursuant to this subparagraph shall comply with
37 the requirements of Section 99.35 of Title 34 of the Code of Federal
38 Regulations.

1 (D) Other state and local officials to the extent that information
2 is specifically required to be reported pursuant to state law adopted
3 before November 19, 1974.

4 (E) Parents of a pupil 18 years of age or older who is a
5 dependent as defined in Section 152 of Title 26 of the United States
6 Code.

7 (F) A pupil 16 years of age or older or having completed the
8 10th grade.

9 (G) A district attorney who is participating in or conducting a
10 truancy mediation program pursuant to Section 48263.5, or Section
11 601.3 of the Welfare and Institutions Code, or participating in the
12 presentation of evidence in a truancy petition pursuant to Section
13 681 of the Welfare and Institutions Code.

14 (H) A district attorney's office for consideration against a parent
15 or guardian for failure to comply with the Compulsory Education
16 Law (Chapter 2 (commencing with Section 48200)) or with
17 Compulsory Continuation Education (Chapter 3 (commencing
18 with Section 48400)).

19 (I) (i) A probation officer, district attorney, or counsel of record
20 for a minor for purposes of conducting a criminal investigation or
21 an investigation in regards to declaring a person a ward of the court
22 or involving a violation of a condition of probation.

23 (ii) For purposes of this subparagraph, a probation officer,
24 district attorney, and counsel of record for a minor shall be deemed
25 to be local officials for purposes of Section 99.31(a)(5)(i) of Title
26 34 of the Code of Federal Regulations.

27 (iii) Pupil records obtained pursuant to this subparagraph shall
28 be subject to the evidentiary rules described in Section 701 of the
29 Welfare and Institutions Code.

30 (J) A judge or probation officer for the purpose of conducting
31 a truancy mediation program for a pupil, or for purposes of
32 presenting evidence in a truancy petition pursuant to Section 681
33 of the Welfare and Institutions Code. The judge or probation officer
34 shall certify in writing to the school district that the information
35 will be used only for truancy purposes. A school district releasing
36 pupil information to a judge or probation officer pursuant to this
37 subparagraph shall inform, or provide written notification to, the
38 parent or guardian of the pupil within 24 hours of the release of
39 the information.

1 (K) A county placing agency when acting as an authorized
2 representative of a state or local educational agency pursuant to
3 subparagraph (C). School districts, county offices of education,
4 and county placing agencies may develop cooperative agreements
5 to facilitate confidential access to and exchange of the pupil
6 information by email, facsimile, electronic format, or other secure
7 means, if the agreement complies with the requirements set forth
8 in Section 99.35 of Title 34 of the Code of Federal Regulations.

9 (L) A pupil 14 years of age or older who meets both of the
10 following criteria:

11 (i) The pupil is a homeless child or youth, as defined in
12 paragraph (2) of Section 725 of the federal McKinney-Vento
13 Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)).

14 (ii) The pupil is an unaccompanied youth, as defined in
15 paragraph (6) of Section 725 of the federal McKinney-Vento
16 Homeless Assistance Act (42 U.S.C. Sec. 11434a(6)).

17 (M) An individual who completes items 1 to 4, inclusive, of the
18 Caregiver's Authorization Affidavit, as provided in Section 6552
19 of the Family Code, and signs the affidavit for the purpose of
20 enrolling a minor in school.

21 (N) (i) ~~An~~ Upon request of an agency caseworker or other
22 representative of a state or local child welfare agency, or tribal
23 organization, as defined in Section 450b of Title 25 of the United
24 States Code, that has legal responsibility, in accordance with state
25 or tribal law, for the care and protection of the pupil. *For purposes*
26 *of this subdivision, state and local child welfare agencies are*
27 *deemed to have a legitimate educational interest in the educational*
28 *records of a child in foster care pursuant to their responsibility to*
29 *provide for their educational stability as required by Section 475*
30 *of the federal Social Security Act (42 U.S.C. Sec. 675).*

31 (ii) The agency or organization specified in clause (i) may
32 disclose pupil records, or the personally identifiable information
33 contained in those records, to an individual or entity engaged in
34 addressing the pupil's educational needs, if the individual or entity
35 is authorized by the agency or organization to receive the disclosure
36 and the information requested is directly related to the assistance
37 provided by that individual or entity. The records, or the personally
38 identifiable information contained in those records, shall not
39 otherwise be disclosed by that agency or organization, except as
40 provided under the federal Family Educational Rights and Privacy

1 Act (20 U.S.C. Sec. 1232g), state law, including paragraph (3),
2 and tribal law.

3 (2) School districts may release information from pupil records
4 to the following:

5 (A) Appropriate persons in connection with an emergency if
6 the knowledge of the information is necessary to protect the health
7 or safety of a pupil or other persons. Schools or school districts
8 releasing information pursuant to this subparagraph shall comply
9 with the requirements set forth in Section 99.32(a)(5) of Title 34
10 of the Code of Federal Regulations.

11 (B) Agencies or organizations in connection with the application
12 of a pupil for, or receipt of, financial aid. However, information
13 permitting the personal identification of a pupil or his or her parents
14 may be disclosed only as may be necessary for purposes as to
15 determine the eligibility of the pupil for financial aid, to determine
16 the amount of the financial aid, to determine the conditions that
17 will be imposed regarding the financial aid, or to enforce the terms
18 or conditions of the financial aid.

19 (C) Pursuant to Section 99.37 of Title 34 of the Code of Federal
20 Regulations, a county elections official, for the purpose of
21 identifying pupils eligible to register to vote, or for conducting
22 programs to offer pupils an opportunity to register to vote. The
23 information shall not be used for any other purpose or given or
24 transferred to any other person or agency.

25 (D) Accrediting associations in order to carry out their
26 accrediting functions.

27 (E) Organizations conducting studies for, or on behalf of,
28 educational agencies or institutions for purposes of developing,
29 validating, or administering predictive tests, administering student
30 aid programs, and improving instruction, if the studies are
31 conducted in a manner that will not permit the personal
32 identification of pupils or their parents by persons other than
33 representatives of the organizations, the information will be
34 destroyed when no longer needed for the purpose for which it is
35 obtained, and the organization enters into a written agreement with
36 the educational agency or institution that complies with Section
37 99.31(a)(6) of Title 34 of the Code of Federal Regulations.

38 (F) Officials and employees of private schools or school systems
39 where the pupil is enrolled or intends to enroll, subject to the rights
40 of parents as provided in Section 49068 and in compliance with

1 the requirements in Section 99.34 of Title 34 of the Code of Federal
2 Regulations. This information shall be in addition to the pupil's
3 permanent record transferred pursuant to Section 49068.

4 (G) (i) A contractor or consultant with a legitimate educational
5 interest who has a formal written agreement or contract with the
6 school district regarding the provision of outsourced institutional
7 services or functions by the contractor or consultant.

8 (ii) Notwithstanding the authorization in Section
9 99.31(a)(1)(i)(B) of Title 34 of the Code of Federal Regulations,
10 a disclosure pursuant to this subparagraph shall not be permitted
11 to a volunteer or other party.

12 (3) A person, persons, agency, or organization permitted access
13 to pupil records pursuant to this section shall not permit access to
14 any information obtained from those records by another person,
15 persons, agency, or organization, except for allowable exceptions
16 contained within the federal Family Educational Rights and Privacy
17 Act (20 U.S.C. Sec. 1232g) and state law, including this section,
18 and implementing regulations, without the written consent of the
19 pupil's parent. This paragraph shall not require prior parental
20 consent when information obtained pursuant to this section is
21 shared with other persons within the educational institution, agency,
22 or organization obtaining access, so long as those persons have a
23 legitimate educational interest in the information pursuant to
24 Section 99.31(a)(1) of Title 34 of the Code of Federal Regulations.

25 (4) Notwithstanding any other law, a school district, including
26 a county office of education or county superintendent of schools,
27 may participate in an interagency data information system that
28 permits access to a computerized database system within and
29 between governmental agencies or school districts as to information
30 or records that are nonprivileged, and where release is authorized
31 as to the requesting agency under state or federal law or regulation,
32 if each of the following requirements is met:

33 (A) Each agency and school district shall develop security
34 procedures or devices by which unauthorized personnel cannot
35 access data contained in the system.

36 (B) Each agency and school district shall develop procedures
37 or devices to secure privileged or confidential data from
38 unauthorized disclosure.

39 (C) Each school district shall comply with the access log
40 requirements of Section 49064.

1 (D) The right of access granted shall not include the right to
2 add, delete, or alter data without the written permission of the
3 agency holding the data.

4 (E) An agency or school district shall not make public or
5 otherwise release information on an individual contained in the
6 database if the information is protected from disclosure or release
7 as to the requesting agency by state or federal law or regulation.

8 (b) The officials and authorities to whom pupil records are
9 disclosed pursuant to subdivision (e) of Section 48902 and
10 subparagraph (I) of paragraph (1) of subdivision (a) shall certify
11 in writing to the disclosing school district that the information
12 shall not be disclosed to another party, except as provided under
13 the federal Family Educational Rights and Privacy Act (20 U.S.C.
14 Sec. 1232g) and state law, without the prior written consent of the
15 parent of the pupil or the person identified as the holder of the
16 pupil's educational rights.

17 (c) (1) A person or party who is not permitted access to pupil
18 records pursuant to subdivision (a) or (b) may request access to
19 pupil records as provided for in paragraph (2).

20 (2) A local educational agency or other person or party who has
21 received pupil records, or information from pupil records, may
22 release the records or information to a person or party identified
23 in paragraph (1) without the consent of the pupil's parent or
24 guardian pursuant to Section 99.31(b) of Title 34 of the Code of
25 Federal Regulations, if the records or information are deidentified,
26 which requires the removal of all personally identifiable
27 information, if the disclosing local educational agency or other
28 person or party has made a reasonable determination that a pupil's
29 identity is not personally identifiable, whether through single or
30 multiple releases, and has taken into account other pertinent
31 reasonably available information.

32 *SEC. 3. Section 49085 of the Education Code is amended to*
33 *read:*

34 49085. (a) On or before February 1, 2014, the department and
35 the State Department of Social Services shall develop and enter
36 into a memorandum of understanding that shall, at a minimum,
37 require the State Department of Social Services, at least once per
38 week, to share with the department both of the following:

39 (1) Disaggregated information on children and youth in foster
40 care sufficient for the department to identify pupils in foster care.

1 (2) Disaggregated data on children and youth in foster care that
2 is helpful to county offices of education and other local educational
3 agencies responsible for ensuring that pupils in foster care received
4 appropriate educational supports and services.

5 (b) To the extent allowable under federal law, the department
6 shall regularly identify pupils in foster care and designate those
7 pupils in the California Longitudinal Pupil Achievement Data
8 System or any future data system used by the department to collect
9 disaggregated pupil outcome data.

10 (c) To the extent allowable under federal law, the
11 Superintendent, on or before July 1 of each even-numbered year,
12 shall report to the Legislature and the Governor on the educational
13 outcomes for pupils in foster care at both the individual schoolsite
14 level and school district level. The report shall include, but is not
15 limited to, all of the following:

16 (1) Individual schoolsite level and school district level
17 educational outcome data for each local educational agency that
18 enrolls at least 15 pupils in foster care, each county in which at
19 least 15 pupils in foster care attend school, and for the entire state.

20 (2) The number of pupils in foster care statewide and by each
21 local educational agency.

22 (3) The academic achievement of pupils in foster care.

23 (4) The incidence of suspension and expulsion for pupils in
24 foster care.

25 (5) Truancy rates, attendance rates, and dropout rates for pupils
26 in foster care.

27 (d) To the extent allowable under federal law, the department,
28 at least once per week, shall do all of the following:

29 (1) Inform school districts and charter schools of any pupils
30 enrolled in those school districts or charter schools who are in
31 foster care.

32 (2) Inform county offices of education of any pupils enrolled
33 in schools in the county who are in foster care.

34 (3) Provide schools districts, county office of education, and
35 charter schools disaggregated data helpful to ensuring pupils in
36 foster care receive appropriate educational supports and services.

37 (e) *No later than September 1, 2015, the department and the*
38 *State Department of Social Services, in consultation with the*
39 *Administrative Office of the Courts, State Department of Health*
40 *Care Services, education and foster care advocates, and foster*

1 youth organizations shall develop a model governance policy for
2 local educational agencies on the use of educational information
3 and data of students in foster care.

4 (f) No later than January 1, 2016, each local educational
5 agency, at a regularly scheduled public hearing, shall adopt a
6 policy governing the use of educational information and data of
7 students in foster care.

8 ~~(e)~~

9 (g) For purposes of this section ~~“pupil”~~ the following definitions
10 apply:

11 (1) “Pupil in foster care” has the same meaning as “foster
12 youth,” as defined in Section 42238.01.

13 (2) “Local educational agency” means a school district, charter
14 school, or county office of education.

15 SEC. 4. Section 51101 of the Education Code is amended to
16 read:

17 51101. (a) Except as provided in subdivision ~~(d)~~ (c), the
18 parents ~~and~~, guardians, and educational rights holders of pupils
19 enrolled in public schools have the right and should have the
20 opportunity, as mutually supportive and respectful partners in the
21 education of their children within the public schools, to be informed
22 by the school, and to participate in the education of their children,
23 as follows:

24 (1) Within a reasonable period of time following making the
25 request, to observe the classroom or classrooms in which their
26 child is enrolled or for the purpose of selecting the school in which
27 their child will be enrolled in accordance with the requirements
28 of any intradistrict or interdistrict pupil attendance policies or
29 programs.

30 (2) Within a reasonable time of their request, to meet with their
31 child’s teacher or teachers and the principal of the school in which
32 their child is enrolled.

33 (3) To volunteer their time and resources for the improvement
34 of school facilities and school programs under the supervision of
35 district employees, including, but not limited to, providing
36 assistance in the classroom with the approval, and under the direct
37 supervision, of the teacher. Although volunteer parents may assist
38 with instruction, primary instructional responsibility shall remain
39 with the teacher.

1 (4) To be notified on a timely basis if their child is absent from
2 school without permission.

3 (5) To receive the results of their child's performance on
4 standardized tests and statewide tests and information on the
5 performance of the school that their child attends on standardized
6 statewide tests.

7 (6) To request a particular school for their child, and to receive
8 a response from the school district. This paragraph does not
9 obligate the school district to grant the parent's request.

10 (7) To have a school environment for their child that is safe and
11 supportive of learning.

12 (8) To examine the curriculum materials of the class or classes
13 in which their child is enrolled.

14 (9) To be informed of their child's progress in school and of
15 the appropriate school personnel whom they should contact if
16 problems arise with their child.

17 (10) To have access to the school records of their child.

18 (11) To receive information concerning the academic
19 performance standards, proficiencies, or skills their child is
20 expected to accomplish.

21 (12) To be informed in advance about school rules, including
22 disciplinary rules and procedures in accordance with Section
23 48980, attendance policies, dress codes, and procedures for visiting
24 the school.

25 (13) To receive information about any psychological testing the
26 school does involving their child and to deny permission to give
27 the test.

28 (14) To participate as a member of a parent advisory committee,
29 schoolsite council, or site-based management leadership team, in
30 accordance with any rules and regulations governing membership
31 in these organizations. In order to facilitate ~~parental~~ participation,
32 schoolsite councils are encouraged to schedule a biannual open
33 forum for the purpose of informing parents about current school
34 issues and activities and answering parents', *guardians'*, and
35 *educational rights holders'* questions. The meetings should be
36 scheduled on weekends, and prior notice should be provided to
37 parents.

38 (15) To question anything in their child's record that the parent,
39 *guardian, or educational rights holder* feels is inaccurate or

1 misleading or is an invasion of privacy and to receive a response
2 from the school.

3 (16) To be notified, as early in the school year as practicable
4 pursuant to Section 48070.5, if their child is identified as being at
5 risk of retention and of their right to consult with school personnel
6 responsible for a decision to promote or retain their child and to
7 appeal a decision to retain or promote their child.

8 (b) In addition to the rights described in subdivision (a), parents
9 and guardians of pupils, including those parents~~and~~, guardians,
10 *and educational rights holders* whose primary language is not
11 English, shall have the opportunity to work together in a mutually
12 supportive and respectful partnership with schools, and to help
13 their children succeed in school. Each governing board of a school
14 district shall develop jointly with parents~~and~~, guardians, *and*
15 *educational rights holders*, and shall adopt, a policy that outlines
16 the manner in which parents~~or~~, guardians, *or educational rights*
17 *holders* of pupils, school staff, and pupils may share the
18 responsibility for continuing the intellectual, physical, emotional,
19 and social development and well-being of pupils at each schoolsite.
20 The policy shall include, but is not necessarily limited to, the
21 following:

22 (1) The means by which the school and parents~~or~~, guardians,
23 *and educational rights holders* of pupils may help pupils to achieve
24 academic and other standards of the school.

25 (2) A description of the school's responsibility to provide a high
26 quality curriculum and instructional program in a supportive and
27 effective learning environment that enables all pupils to meet the
28 academic expectations of the school.

29 (3) The manner in which the parents~~and~~, guardians, *and*
30 *educational rights holders* of pupils may support the learning
31 environment of their children, including, but not limited to, the
32 following:

33 (A) Monitoring attendance of their children.

34 (B) Ensuring that homework is completed and turned in on a
35 timely basis.

36 (C) Participation of the children in extracurricular activities.

37 (D) Monitoring and regulating the television viewed by their
38 children.

39 (E) Working with their children at home in learning activities
40 that extend learning in the classroom.

1 (F) Volunteering in their children's classrooms, or for other
2 activities at the school.

3 (G) Participating, as appropriate, in decisions relating to the
4 education of their own child or the total school program.

5 ~~(e) All schools that participate in the High Priority Schools~~
6 ~~Grant Program established pursuant to Article 3.5 (commencing~~
7 ~~with Section 52055.600) of Chapter 6.1 of Part 28 and that maintain~~
8 ~~kindergarten or any of grades 1 to 5, inclusive, shall jointly develop~~
9 ~~with parents or guardians for all children enrolled at that school site,~~
10 ~~a school-parent compact pursuant to Section 6319 of Title 20 of~~
11 ~~the United States Code.~~

12 ~~(d)~~

13 (c) This section does not authorize a school to inform a parent
14 ~~or~~, guardian, *or educational rights holders*, as provided in this
15 section, or to permit participation by a parent~~or~~, guardian, *or*
16 *educational rights holders* in the education of a child, if it conflicts
17 with a valid restraining order, protective order, or order for custody
18 or visitation issued by a court of competent jurisdiction.

19 *SEC. 5. Section 1529.2 of the Health and Safety Code is*
20 *amended to read:*

21 1529.2. (a) In addition to the foster parent training provided
22 by community colleges, foster family agencies shall provide a
23 program of training for their certified foster families.

24 (b) (1) Every licensed foster parent shall complete a minimum
25 of ~~12~~30 hours of foster parent training, as prescribed in paragraph
26 (3), before the placement of any foster children with the foster
27 parent. In addition, a foster parent shall complete a minimum of
28 eight hours of foster parent training annually, as prescribed in
29 paragraph (4). No child shall be placed in a foster family home
30 unless these requirements are met by the persons in the home who
31 are serving as the foster parents.

32 (2) (A) Upon the request of the foster parent for a hardship
33 waiver from the postplacement training requirement or a request
34 for an extension of the deadline, the county may, at its option, on
35 a case-by-case basis, waive the postplacement training requirement
36 or extend any established deadline for a period not to exceed one
37 year, if the postplacement training requirement presents a severe
38 and unavoidable obstacle to continuing as a foster parent. Obstacles
39 for which a county may grant a hardship waiver or extension are:

40 (i) Lack of access to training due to the cost or travel required.

1 (ii) Family emergency.

2 (B) Before a waiver or extension may be granted, the foster
3 parent should explore the opportunity of receiving training by
4 video or written materials.

5 (3) The initial preplacement training shall include, but not be
6 limited to, training courses that cover all of the following:

7 (A) An overview of the child protective system.

8 (B) The effects of child abuse and neglect on child development.

9 (C) Positive discipline and the importance of self-esteem.

10 (D) Health issues *and accessing health services for children* in
11 foster care.

12 (E) ~~Accessing education and health services available to foster~~
13 ~~children.~~ *Understanding how to help provide for the educational*
14 *outcomes of children in foster care, including accessing*
15 *educational support services.*

16 (F) The right of a foster child to have fair and equal access to
17 all available services, placement, care, treatment, and benefits, and
18 to not be subjected to discrimination or harassment on the basis
19 of actual or perceived race, ethnic group identification, ancestry,
20 national origin, color, religion, sex, sexual orientation, gender
21 identity, mental or physical disability, or HIV status.

22 (G) Instruction on cultural competency and sensitivity relating
23 to, and best practices for, providing adequate care to lesbian, gay,
24 bisexual, and transgender youth in out-of-home care.

25 (H) Basic instruction on the existing laws and procedures
26 regarding the safety of foster youth at school and the ensuring of
27 a harassment and violence free school environment contained in
28 the California Student Safety and Violence Prevention Act of 2000
29 (Article 3.6 (commencing with Section 32228) of Chapter 2 of
30 Part 19 of Division 1 of Title 1 of the Education Code).

31 (I) *Trauma-informed care.*

32 (J) *Confidentiality and privacy rights and protections.*

33 (4) The postplacement annual training shall include, but not be
34 limited to, training courses that cover all of the following:

35 (A) Age-appropriate child development.

36 (B) Health issues in foster care.

37 (C) Positive discipline and the importance of self-esteem.

38 (D) Emancipation and independent living skills if a foster parent
39 is caring for youth.

1 (E) The right of a foster child to have fair and equal access to
2 all available services, placement, care, treatment, and benefits, and
3 to not be subjected to discrimination or harassment on the basis
4 of actual or perceived race, ethnic group identification, ancestry,
5 national origin, color, religion, sex, sexual orientation, gender
6 identity, mental or physical disability, or HIV status.

7 (F) Instruction on cultural competency and sensitivity relating
8 to, and best practices for, providing adequate care to lesbian, gay,
9 bisexual, and transgender youth in out-of-home care.

10 (5) Foster parent training may be attained through a variety of
11 sources, including community colleges, counties, hospitals, foster
12 parent associations, the California State Foster Parent Association's
13 Conference, adult schools, and certified foster parent instructors.

14 (6) A candidate for placement of foster children shall submit a
15 certificate of training to document completion of the training
16 requirements. The certificate shall be submitted with the initial
17 consideration for placements and provided at the time of the annual
18 visit by the licensing agency thereafter.

19 (c) Nothing in this section shall preclude a county from requiring
20 county-provided preplacement or postplacement foster parent
21 training in excess of the requirements in this section.

22 *SEC. 6. Section 102 of the Welfare and Institutions Code is*
23 *amended to read:*

24 102. (a) Each CASA program shall, if feasible, be staffed by
25 a minimum of one paid administrator. The staff shall be directly
26 accountable to the presiding juvenile court judge and the CASA
27 program board of directors, as applicable.

28 (b) The program shall provide for volunteers to serve as CASAs.
29 A CASA may be appointed in juvenile dependency proceedings
30 under Section 300, including proceedings involving a nonminor
31 dependent.

32 (c) Each CASA shall serve at the pleasure of the court having
33 jurisdiction over the proceedings in which a CASA has been
34 appointed and that appointment may continue after the child attains
35 his or her age of majority, with the consent of the nonminor
36 dependent. A CASA shall do all of the following:

37 (1) Provide independent, factual information to the court
38 regarding the cases to which he or she is appointed.

(2) Represent the best interests of the child involved, and consider the best interests of the family, in the cases to which he or she is appointed.

(3) At the request of the judge, monitor cases to which he or she has been appointed to ensure that the court's orders have been fulfilled.

(d) The Judicial Council, through its rules and regulations, shall require an initial and ongoing training program consistent with this chapter for all persons acting as a CASA, including, but not limited to, each of the following:

(1) Dynamics of child abuse and neglect.

(2) Court structure, including juvenile court laws regarding dependency.

(3) Social service systems.

(4) Child development.

(5) Cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth.

(6) Interviewing techniques.

(7) Report writing.

(8) Roles and responsibilities of a CASA.

(9) Rules of evidence and discovery procedures.

(10) Problems associated with verifying reports.

(11) *Monitoring the educational stability of the child, including the responsibilities of serving as an educational rights holder for the child.*

(e) The Judicial Council, through its CASA Advisory Committee, shall adopt guidelines for the screening of CASA volunteers, which shall include personal interviews, reference checks, checks for records of sex offenses and other criminal records, information from the Department of Motor Vehicles, and other information that the Judicial Council deems appropriate.

SEC. 7. Section 361 of the Welfare and Institutions Code is amended to read:

361. (a) (1) In all cases in which a minor is adjudged a dependent child of the court on the ground that the minor is a person described by Section 300, the court may limit the control to be exercised over the dependent child by any parent or guardian and shall by its order clearly and specifically set forth all those limitations. Any limitation on the right of the parent or guardian

1 to make educational or developmental services decisions for the
2 child shall be specifically addressed in the court order. The
3 limitations may not exceed those necessary to protect the child. If
4 the court specifically limits the right of the parent or guardian to
5 make educational or developmental services decisions for the child,
6 or, for the nonminor dependent, if the court finds the appointment
7 of a developmental services decisionmaker to be in the best
8 interests of the nonminor dependent, the court shall at the same
9 time appoint a responsible adult to make educational or
10 developmental services decisions for the child or nonminor
11 dependent until one of the following occurs:

12 (A) The minor reaches 18 years of age, unless the child or
13 nonminor dependent chooses not to make educational or
14 developmental services decisions for himself or herself, or is
15 deemed by the court to be incompetent.

16 (B) Another responsible adult is appointed to make educational
17 or developmental services decisions for the minor pursuant to this
18 section.

19 (C) The right of the parent or guardian to make educational or
20 developmental services decisions for the minor is fully restored.

21 (D) A successor guardian or conservator is appointed.

22 (E) The child is placed into a planned permanent living
23 arrangement pursuant to paragraph (5) of subdivision (g) of Section
24 366.21, Section 366.22, Section 366.26, or subdivision (i) of
25 Section 366.3, at which time, for educational decisionmaking, the
26 foster parent, relative caretaker, or nonrelative extended family
27 member as defined in Section 362.7, has the right to represent the
28 child in educational matters pursuant to Section 56055 of the
29 Education Code, and for decisions relating to developmental
30 services, unless the court specifies otherwise, the foster parent,
31 relative caregiver, or nonrelative extended family member of the
32 planned permanent living arrangement has the right to represent
33 the child or nonminor dependent in matters related to
34 developmental services.

35 (2) An individual who would have a conflict of interest in
36 representing the child or nonminor dependent may not be appointed
37 to make educational or developmental services decisions. For
38 purposes of this section, “an individual who would have a conflict
39 of interest,” means a person having any interests that might restrict
40 or bias his or her ability to make educational or developmental

1 services decisions, including, but not limited to, those conflicts of
2 interest prohibited by Section 1126 of the Government Code, and
3 the receipt of compensation or attorney's fees for the provision of
4 services pursuant to this section. A foster parent may not be deemed
5 to have a conflict of interest solely because he or she receives
6 compensation for the provision of services pursuant to this section.

7 (3) If the court limits the parent's educational rights pursuant
8 to this subdivision, the court shall determine whether there is a
9 responsible adult who is a relative, nonrelative extended family
10 member, or other adult known to the child who is available and
11 willing to serve as the child's educational representative before
12 appointing an educational representative or surrogate who is not
13 known to the child.

14 If the court cannot identify a responsible adult who is known to
15 the child and available to make educational decisions for the child,
16 subparagraphs (A) to (E), inclusive, of paragraph (1) do not apply,
17 and the child has either been referred to the local educational
18 agency for special education and related services, or has a valid
19 individualized education program, the court shall refer the child
20 to the local educational agency for appointment of a surrogate
21 parent pursuant to Section 7579.5 of the Government Code.

22 If the court cannot identify a responsible adult to make
23 educational decisions for the child, the appointment of a surrogate
24 parent as defined in subdivision (a) of Section 56050 of the
25 Education Code is not warranted, and there is no foster parent to
26 exercise the authority granted by Section 56055 of the Education
27 Code, the court may *appoint CASA as the educational rights holder*
28 *for the child, or*, with the input of any interested person, make
29 educational decisions for the child.

30 (4) If the court appoints a developmental services decisionmaker
31 pursuant to this section, he or she shall have the authority to access
32 the child's or nonminor dependent's information and records
33 pursuant to subdivision (u) of Section 4514 and subdivision (y) of
34 Section 5328, and to act on the child's or nonminor dependent's
35 behalf for the purposes of the individual program plan process
36 pursuant to Sections 4646, 4646.5, and 4648 and the fair hearing
37 process pursuant to Chapter 7 (commencing with Section 4700)
38 of Division 4.5, and as set forth in the court order.

39 If the court cannot identify a responsible adult to make
40 developmental services decisions for the child or nonminor

1 dependent, the court may, with the input of any interested person,
2 make developmental services decisions for the child or nonminor
3 dependent. If the child is receiving services from a regional center,
4 the provision of any developmental services related to the court's
5 decision must be consistent with the child's or nonminor
6 dependent's individual program plan and pursuant to the provisions
7 of the Lanterman Developmental Disabilities Services Act
8 (Division 4.5 (commencing with Section 4500)).

9 (5) All educational and school placement decisions shall seek
10 to ensure that the child is in the least restrictive educational
11 programs and has access to the academic resources, services, and
12 extracurricular and enrichment activities that are available to all
13 pupils. In all instances, educational and school placement decisions
14 shall be based on the best interests of the child. If an educational
15 representative or surrogate is appointed for the child, the
16 representative or surrogate shall meet with the child, shall
17 investigate the child's educational needs and whether those needs
18 are being met, and shall, prior to each review hearing held under
19 this article, provide information and recommendations concerning
20 the child's educational needs to the child's social worker, make
21 written recommendations to the court, or attend the hearing and
22 participate in those portions of the hearing that concern the child's
23 education.

24 (6) Nothing in this section in any way removes the obligation
25 to appoint surrogate parents for students with disabilities who are
26 without parental representation in special education procedures as
27 required by state and federal law, including Section 1415(b)(2) of
28 Title 20 of the United States Code, Section 56050 of the Education
29 Code, Section 7579.5 of the Government Code, and Rule 5.650
30 of the California Rules of Court.

31 (b) Subdivision (a) does not limit the ability of a parent to
32 voluntarily relinquish his or her child to the State Department of
33 Social Services or to a county adoption agency at any time while
34 the child is a dependent child of the juvenile court, if the
35 department or agency is willing to accept the relinquishment.

36 (c) A dependent child may not be taken from the physical
37 custody of his or her parents or guardian or guardians with whom
38 the child resides at the time the petition was initiated, unless the
39 juvenile court finds clear and convincing evidence of any of the

1 following circumstances listed in paragraphs (1) to (5), inclusive,
2 and, in an Indian child custody proceeding, paragraph (6):

3 (1) There is or would be a substantial danger to the physical
4 health, safety, protection, or physical or emotional well-being of
5 the minor if the minor were returned home, and there are no
6 reasonable means by which the minor's physical health can be
7 protected without removing the minor from the minor's parent's
8 or guardian's physical custody. The fact that a minor has been
9 adjudicated a dependent child of the court pursuant to subdivision
10 (e) of Section 300 shall constitute prima facie evidence that the
11 minor cannot be safely left in the physical custody of the parent
12 or guardian with whom the minor resided at the time of injury.
13 The court shall consider, as a reasonable means to protect the
14 minor, the option of removing an offending parent or guardian
15 from the home. The court shall also consider, as a reasonable means
16 to protect the minor, allowing a nonoffending parent or guardian
17 to retain physical custody as long as that parent or guardian
18 presents a plan acceptable to the court demonstrating that he or
19 she will be able to protect the child from future harm.

20 (2) The parent or guardian of the minor is unwilling to have
21 physical custody of the minor, and the parent or guardian has been
22 notified that if the minor remains out of their physical custody for
23 the period specified in Section 366.26, the minor may be declared
24 permanently free from their custody and control.

25 (3) The minor is suffering severe emotional damage, as indicated
26 by extreme anxiety, depression, withdrawal, or untoward aggressive
27 behavior toward himself or herself or others, and there are no
28 reasonable means by which the minor's emotional health may be
29 protected without removing the minor from the physical custody
30 of his or her parent or guardian.

31 (4) The minor or a sibling of the minor has been sexually abused,
32 or is deemed to be at substantial risk of being sexually abused, by
33 a parent, guardian, or member of his or her household, or other
34 person known to his or her parent, and there are no reasonable
35 means by which the minor can be protected from further sexual
36 abuse or a substantial risk of sexual abuse without removing the
37 minor from his or her parent or guardian, or the minor does not
38 wish to return to his or her parent or guardian.

39 (5) The minor has been left without any provision for his or her
40 support, or a parent who has been incarcerated or institutionalized

1 cannot arrange for the care of the minor, or a relative or other adult
2 custodian with whom the child has been left by the parent is
3 unwilling or unable to provide care or support for the child and
4 the whereabouts of the parent is unknown and reasonable efforts
5 to locate him or her have been unsuccessful.

6 (6) In an Indian child custody proceeding, continued custody
7 of the child by the parent or Indian custodian is likely to result in
8 serious emotional or physical damage to the child, and that finding
9 is supported by testimony of a “qualified expert witness” as
10 described in Section 224.6.

11 (A) Stipulation by the parent, Indian custodian, or the Indian
12 child’s tribe, or failure to object, may waive the requirement of
13 producing evidence of the likelihood of serious damage only if the
14 court is satisfied that the party has been fully advised of the
15 requirements of the federal Indian Child Welfare Act (25 U.S.C.
16 Sec. 1901 et seq.), and has knowingly, intelligently, and voluntarily
17 waived them.

18 (B) Failure to meet non-Indian family and child-rearing
19 community standards, or the existence of other behavior or
20 conditions that meet the removal standards of this section, will not
21 support an order for placement in the absence of the finding in this
22 paragraph.

23 (d) The court shall make a determination as to whether
24 reasonable efforts were made to prevent or to eliminate the need
25 for removal of the minor from his or her home or, if the minor is
26 removed for one of the reasons stated in paragraph (5) of
27 subdivision (c), whether it was reasonable under the circumstances
28 not to make any of those efforts, or, in the case of an Indian child
29 custody proceeding, whether active efforts as required in Section
30 361.7 were made and that these efforts have proved unsuccessful.
31 The court shall state the facts on which the decision to remove the
32 minor is based.

33 (e) The court shall make all of the findings required by
34 subdivision (a) of Section 366 in either of the following
35 circumstances:

36 (1) The minor has been taken from the custody of his or her
37 parent or guardian and has been living in an out-of-home placement
38 pursuant to Section 319.

39 (2) The minor has been living in a voluntary out-of-home
40 placement pursuant to Section 16507.4.

1 *SEC. 8. Section 10601.2 of the Welfare and Institutions Code*
2 *is amended to read:*

3 10601.2. (a) The State Department of Social Services shall
4 establish, by April 1, 2003, the California Child and Family Service
5 Review System, in order to review all county child welfare systems.
6 These reviews shall cover child protective services, foster care,
7 adoption, family preservation, family support, and independent
8 living.

9 (b) Child and family service reviews shall maximize compliance
10 with the federal regulations for the receipt of money from Subtitle
11 E (commencing with Section 470) of Title IV of the federal Social
12 Security Act (42 U.S.C. Sec. 670 and following) and ensure
13 compliance with state plan requirements set forth in Subtitle B
14 (commencing with Section 421) of Title IV of the federal Social
15 Security Act (42 U.S.C. Sec. 621 and following).

16 (c) (1) The California Health and Human Services Agency shall
17 convene a workgroup comprised of representatives of the Judicial
18 Council, the State Department of Social Services, the State
19 Department of Health Care Services, the State Department of
20 Education, the State Department of Justice, any other state
21 departments or agencies the California Health and Human Services
22 Agency deems necessary, the County Welfare Directors
23 Association, the California State Association of Counties, the Chief
24 Probation Officers of California, the California Youth Connection,
25 and representatives of California tribes, interested child advocacy
26 organizations, researchers, and foster parent organizations. The
27 workgroup shall establish a workplan by which child and family
28 service reviews shall be conducted pursuant to this section,
29 including a process for qualitative peer reviews of case information.

30 (2) At a minimum, in establishing the workplan, the workgroup
31 shall consider any existing federal program improvement plans
32 entered into by the state pursuant to federal regulations, the
33 outcome indicators to be measured, compliance thresholds for each
34 indicator, timelines for implementation, county review cycles,
35 uniform processes, procedures and review instruments to be used,
36 a corrective action process, and any funding or staffing increases
37 needed to implement the requirements of this section. The agency
38 shall broadly consider collaboration with all entities to allow the
39 adequate exchange of information and coordination of efforts to
40 improve outcomes for foster youth and families.

1 (d) (1) The California Child and Family Service Review System
2 outcome indicators shall be consistent with the federal child and
3 family service review measures and standards for child and family
4 outcomes and system factors authorized by Subtitle B (commencing
5 with Section 421) and Subtitle E (commencing with Section 470)
6 of Title IV of the federal Social Security Act and the regulations
7 adopted pursuant to those provisions (Parts 1355 to 1357, inclusive,
8 of Title 45 of the Code of Federal Regulations).

9 (2) During the first review cycle pursuant to this section, each
10 county shall be reviewed according to the outcome indicators
11 established for the California Child and Family Service Review
12 System.

13 (3) For subsequent reviews, the workgroup shall consider
14 whether to establish additional outcome indicators that support the
15 federal outcomes and any program improvement plan, and promote
16 good health, mental health, behavioral, educational, and other
17 relevant outcomes for children and families in California's child
18 welfare services system.

19 (4) The workgroup shall convene as necessary to update the
20 outcome indicators described in paragraph (1).

21 (e) The State Department of Social Services shall identify and
22 promote the replication of best practices in child welfare service
23 delivery to achieve the measurable outcomes established pursuant
24 to subdivision (d).

25 (f) The State Department of Social Services shall provide
26 information to the Assembly and Senate Budget Committees and
27 appropriate legislative policy committees annually, beginning with
28 the 2002–03 fiscal year, on all of the following:

29 (1) The department's progress in planning for the federal child
30 and family service review to be conducted by the United States
31 Department of Health and Human Services and, upon completion
32 of the federal review, the findings of that review, the state's
33 response to the findings, and the details of any program
34 improvement plan entered into by the state.

35 (2) The department's progress in implementing the California
36 child and family service reviews, including, but not limited to, the
37 timelines for implementation, the process to be used, and any
38 funding or staffing increases needed at the state or local level to
39 implement the requirements of this section.

(3) The findings and recommendations for child welfare system improvements identified in county self-assessments and county system improvement plans, including information on common statutory, regulatory, or fiscal barriers identified as inhibiting system improvements, any recommendations to overcome those barriers, and, as applicable, information regarding the allocation and use of the moneys provided to counties pursuant to subdivision (i).

(4) The department's efforts in providing guidance and technical assistance to county welfare agencies, caregivers, and foster youth on the sharing of foster care information and data among state and public agencies, including the State Department of Developmental Services, the State Department of Education, the State Department of Health Care Services, and the State Department of Public Health, the judiciary, local educational agencies, foster family agencies, and foster youth caregivers, to improve the outcomes for children in foster care.

(g) Effective April 1, 2003, the existing county compliance review system shall be suspended to provide to the State Department of Social Services sufficient lead time to provide training and technical assistance to counties for the preparation necessary to transition to the new child and family service review system.

(h) Beginning January 1, 2004, the department shall commence individual child and family service reviews of California counties. County child welfare systems that do not meet the established compliance thresholds for the outcome measures that are reviewed shall receive technical assistance from teams made up of state and peer-county administrators to assist with implementing best practices to improve their performance and make progress toward meeting established levels of compliance.

(i) (1) To the extent that funds are appropriated in the annual Budget Act to enable counties to implement approaches to improving their performance on the outcome indicators under this section, the department, in consultation with counties, shall establish a process for allocating the funds to counties.

(2) The allocation process shall take into account, at a minimum, the extent to which the proposed funding would be used for activities that are reasonably expected to help the county make progress toward the outcome indicators established pursuant to

1 this section, and the extent to which county funding for the Child
2 Abuse, Prevention and Treatment program is aligned with the
3 outcome indicators.

4 (3) To the extent possible, a county shall use funds in a manner
5 that enables the county to access additional federal, state, and local
6 funds from other available sources. However, a county's ability
7 to receive additional matching funds from these sources shall not
8 be a determining factor in the allocation process established
9 pursuant to this subdivision.

10 (4) The department shall provide information to the appropriate
11 committees of the Legislature on the process established pursuant
12 to this subdivision for allocating funds to counties.

13 (j) (1) Counties shall continue to be responsible for and
14 accountable to the department for child welfare program
15 performance measures, including all of the following:

16 (A) The outcome and systemic factor measures contained in the
17 federal Department of Health and Human Services Child and
18 Family Services Review Procedures Manual, Appendix B, Index
19 of Outcomes and Systemic Factors, and Associated Items and Data
20 Indicators, issued pursuant to Sections 1355.34(b) and 1355.34(c)
21 of Title 45 of the Code of Federal Regulations.

22 (B) Information and other requirements necessary for the
23 California Child and Family Service Review System, as required
24 pursuant to this section.

25 (C) Monthly caseworker visits with a child in care.

26 (D) Timeliness to begin an investigation of allegations of child
27 abuse or neglect.

28 (E) Notwithstanding the rulemaking provisions of the
29 Administrative Procedure Act (Chapter 3.5 (commencing with
30 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
31 Code), other performance measures resulting from new federal
32 mandates or court decrees as specified in an all-county letter issued
33 by the department.

34 (2) The department shall monitor, on an ongoing basis, county
35 performance on the measures specified in paragraph (1).

36 (3) At least once every five years, the department shall conduct
37 a comprehensive review of county performance on the measures
38 specified in paragraph (1).

39 (4) (A) The department shall periodically update the process
40 guides utilized by counties to prepare the self assessments and

1 system improvement plans to promote implementation and
2 evaluation of promising practices and use of data.

3 (B) The process guides also shall include, but not be limited to,
4 ~~both of the following:~~

5 (i) County evaluation of demographics for the children and
6 families served and effectiveness of the system improvement
7 activities for these populations.

8 (ii) A description of the process by which the department and
9 counties shall develop mutually agreed upon performance targets
10 for improvement.

11 *(iii) An overview of the process and efforts by which the*
12 *department and counties are working collaboratively with other*
13 *state and local agencies to share child welfare information and*
14 *data to improve the outcomes of children in foster care.*

15 (5) The department, in consultation with counties, shall develop
16 a process for resolving any disputes regarding the establishment
17 of appropriate targets pursuant to the process provided in paragraph
18 (4).

19 (6) A county shall submit an update to the department, no less
20 than annually, on its progress in achieving improvements from the
21 county's baseline for the applicable measure. The department may
22 require a county that has not met its performance targets to submit
23 and implement a corrective action plan, as determined by the
24 director.

25 (k) Beginning in the 2011–12 fiscal year, and for each fiscal
26 year thereafter, funding and expenditures for programs and
27 activities required under this section shall be in accordance with
28 the requirements provided in Sections 30025 and 30026.5 of the
29 Government Code.

30 *SEC. 9. Section 16010.6 of the Welfare and Institutions Code*
31 *is amended to read:*

32 16010.6. (a) As soon as a placing agency makes a decision
33 with respect to a placement or a change in placement of a
34 dependent child, but not later than the close of the following
35 business day, the placing agency shall notify the child's attorney
36 and provide to the child's attorney ~~information regarding the child's~~
37 ~~address, telephone number, and caregiver.~~ *the following*
38 *information:*

39 (1) *The child's address and telephone number.*

40 (2) *The name and contact information of the child's caregiver.*

1 (3) *The child's school of enrollment and, if available, the name*
2 *and contact information of the foster youth services liaison and*
3 *the foster youth services education coordinator.*

4 (b) (1) A placing agency shall not make a placement or a change
5 in placement of a child outside the United States prior to a judicial
6 finding that the placement is in the best interest of the child, except
7 as required by federal law or treaty.

8 (2) The placing agency shall carry the burden of proof and must
9 show, by clear and convincing evidence, that placement outside
10 the United States is in the best interest of the child.

11 (3) In determining the best interest of the child, the court shall
12 consider, but not be limited to, the following factors:

13 (A) Placement with a relative.

14 (B) Placement of siblings in the same home.

15 (C) Amount and nature of any contact between the child and
16 the potential guardian or caretaker.

17 (D) Physical and medical needs of the dependent child.

18 (E) Psychological and emotional needs of the dependent child.

19 (F) Social, cultural, and educational needs of the dependent
20 child.

21 (G) Specific desires of any dependent child who is 12 years of
22 age or older.

23 (4) If the court finds that a placement outside the United States
24 is, by clear and convincing evidence, in the best interest of the
25 child, the court may issue an order authorizing the placing agency
26 to make a placement outside the United States. A child subject to
27 this subdivision shall not leave the United States prior to the
28 issuance of the order described in this paragraph.

29 (5) For purposes of this subdivision, "outside the United States"
30 shall not include the lands of any federally recognized American
31 Indian tribe or Alaskan Natives.

32 (6) This section shall not apply to the placement of a dependent
33 child with a parent.

34 (c) Absent exigent circumstances, as soon as a placing agency
35 becomes aware of the need for a change in placement of a
36 dependent child that will result in the separation of siblings
37 currently placed together, the placing agency shall notify the child's
38 attorney and the child's siblings' attorney of this proposed
39 separation no less than 10 calendar days prior to the planned change
40 of placement so that the attorneys may investigate the

1 circumstances of the proposed separation. If the placing agency
2 first becomes aware, by written notification from a foster family
3 agency, group home, or other foster care provider, of the need for
4 a change in placement for a dependent child that will result in the
5 separation of siblings currently placed together, and that the child
6 or children shall be removed within seven days, then notice shall
7 be provided to the attorneys by the end of the next business day
8 after the receipt of notice from the provider. In an emergency, the
9 placing agency shall provide notice as soon as possible, but no
10 later than the close of the first business day following the change
11 of placement. This notification shall be deemed sufficient notice
12 for the purposes of subdivision (a).

13 (d) When the required notice is given prior to a change in
14 placement, the notice shall include information regarding the
15 child's address, telephone number, ~~and~~ caregiver, *and school of*
16 *enrollment*, or any one or more of these items of information to
17 the extent that this information is known at the time that the placing
18 agency provides notice to the child's attorney. When the required
19 notice is given after the change in placement, notice shall include
20 information regarding the child's address, telephone number, ~~and~~
21 caregiver, *and school of enrollment*.

22 (e) *As soon as a placing agency makes a decision with respect*
23 *to a placement or a change in placement of a dependent child, the*
24 *placing agency shall, within two business days of the placement,*
25 *do the following:*

26 (1) *Notify the school district of enrollment's foster youth liaison,*
27 *as established by Section 48853.5 of the Education Code, and the*
28 *foster youth educational services coordinator, established by*
29 *Section 42921 of the Education Code, that the child is or will be*
30 *enrolled in their local educational agency, and the name and*
31 *contact information of the child's educational rights holder.*

32 (2) *Enter into the Child Welfare Services Case Management*
33 *System, established pursuant to Section 16501.6, the child's school*
34 *and school district of enrollment, the name of the school district*
35 *of enrollment's foster youth liaison, foster youth educational*
36 *services coordinator, and the child's educational rights holder.*

37 (e)

38 (f) The Judicial Council shall adopt a rule of court directing the
39 attorney for a child for whom a dependency petition has been filed,
40 upon receipt from the agency responsible for placing the child of

1 the name, address, and telephone number of the child's caregiver,
2 to timely provide the attorney's contact information to the caregiver
3 and, if the child is 10 years of age or older, to the child. This rule
4 does not preclude an attorney from giving contact information to
5 a child who is younger than 10 years of age.

6 *SEC. 10. Section 16010.7 is added to the Welfare and*
7 *Institutions Code, to read:*

8 *16010.7. (a) It is the intent of the Legislature that county*
9 *welfare agencies and local educational agencies work closely*
10 *together in a collaborative manner to help provide for and improve*
11 *the educational outcomes of children in foster care.*

12 *(b) To help maintain a level of communication between county*
13 *welfare agencies and local agencies, county welfare agencies shall*
14 *annually provide the names and contact information for foster*
15 *youth caseworkers to their respective county offices of education*
16 *foster youth services liaisons and foster youth educational service*
17 *coordinators by July 1 of each year.*

18 *SEC. 11. Section 16206 of the Welfare and Institutions Code*
19 *is amended to read:*

20 *16206. (a) The purpose of the program is to develop and*
21 *implement statewide coordinated training programs designed*
22 *specifically to meet the needs of county child protective services*
23 *social workers assigned emergency response, family maintenance,*
24 *family reunification, permanent placement, and adoption*
25 *responsibilities. It is the intent of the Legislature that the program*
26 *include training for other agencies under contract with county*
27 *welfare departments to provide child welfare services. In addition,*
28 *the program shall provide training programs for persons defined*
29 *as a mandated reporter pursuant to the Child Abuse and Neglect*
30 *Reporting Act, Article 2.5 (commencing with Section 11164) of*
31 *Chapter 2 of Title 1 of Part 4 of the Penal Code. The program shall*
32 *provide the services required in this section to the extent possible*
33 *within the total allocation. If allocations are insufficient, the*
34 *department, in consultation with the grantee or grantees and the*
35 *Child Welfare Training Advisory Board, shall prioritize the efforts*
36 *of the program, giving primary attention to the most urgently*
37 *needed services. County child protective services social workers*
38 *assigned emergency response responsibilities shall receive first*
39 *priority for training pursuant to this section.*

(b) The training program shall provide practice-relevant training for mandated child abuse reporters and all members of the child welfare delivery system that will address critical issues affecting the well-being of children, and shall develop curriculum materials and training resources for use in meeting staff development needs of mandated child abuse reporters and child welfare personnel in public and private agency settings.

(c) The training provided pursuant to this section shall include, *but not be limited to*, all of the following:

(1) Crisis intervention.

(2) Investigative techniques.

(3) Rules of evidence.

(4) Indicators of abuse and neglect.

(5) Assessment criteria, including the application of guidelines for assessment of relatives for placement according to the criteria described in Section 361.3.

(6) Intervention strategies.

(7) Legal requirements of child protection, including requirements of child abuse reporting laws.

(8) Case management, *including the educational stability of the child as required by Section 475 of the federal Social Security Act (42 U.S.C. Sec. 675)*.

(9) Use of community resources.

(10) Information regarding the dynamics and effects of domestic violence upon families and children, including indicators and dynamics of teen dating violence.

(11) Posttraumatic stress disorder and the causes, symptoms, and treatment of posttraumatic stress disorder in children.

(12) The importance of maintaining relationships with individuals who are important to a child in out-of-home placement, including methods to identify those individuals, consistent with the child's best interests, including, but not limited to, asking the child about individuals who are important, and ways to maintain and support those relationships.

(13) The legal duties of a child protective services social worker, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment.

(14) *Information and data sharing relating to working collaboratively with other state and local agencies.*

(d) The training provided pursuant to this section may also include any or all of the following:

- (1) Child development and parenting.
- (2) Intake, interviewing, and initial assessment.
- (3) Casework and treatment.
- (4) Medical aspects of child abuse and neglect.

(e) The training program in each county shall assess the program's performance at least annually and forward it to the State Department of Social Services for an evaluation. The assessment shall include, at a minimum, all of the following:

- (1) Workforce data, including education, qualifications, and demographics.
- (2) The number of persons trained.
- (3) The type of training provided.
- (4) The degree to which the training is perceived by participants as useful in practice.

(5) Any additional information or data deemed necessary by the department for reporting, oversight, and monitoring purposes.

(f) The training program shall provide practice-relevant training to county child protective services social workers who screen referrals for child abuse or neglect and for all workers assigned to provide emergency response, family maintenance, family reunification, and permanent placement services. The training shall be developed in consultation with the Child Welfare Training Advisory Board and domestic violence victims' advocates and other public and private agencies that provide programs for victims of domestic violence or programs of intervention for perpetrators.

SEC. 12. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(2) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers, as appropriate, in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.

1 (b) (1) A case plan shall be based upon the principles of this
2 section and shall document that a preplacement assessment of the
3 service needs of the child and family, and preplacement preventive
4 services, have been provided, and that reasonable efforts to prevent
5 out-of-home placement have been made.

6 (2) In determining the reasonable services to be offered or
7 provided, the child's health and safety shall be the paramount
8 concerns.

9 (3) Upon a determination pursuant to paragraph (1) of
10 subdivision (e) of Section 361.5 that reasonable services will be
11 offered to a parent who is incarcerated in a county jail or state
12 prison, detained by the United States Department of Homeland
13 Security, or deported to his or her country of origin, the case plan
14 shall include information, to the extent possible, about a parent's
15 incarceration in a county jail or the state prison, detention by the
16 United States Department of Homeland Security, or deportation
17 during the time that a minor child of that parent is involved in
18 dependency care.

19 (4) Reasonable services shall be offered or provided to make it
20 possible for a child to return to a safe home environment, unless,
21 pursuant to subdivisions (b) and (e) of Section 361.5, the court
22 determines that reunification services shall not be provided.

23 (5) If reasonable services are not ordered, or are terminated,
24 reasonable efforts shall be made to place the child in a timely
25 manner in accordance with the permanent plan and to complete
26 all steps necessary to finalize the permanent placement of the child.

27 (c) (1) If out-of-home placement is used to attain case plan
28 goals, the case plan shall include a description of the type of home
29 or institution in which the child is to be placed, and the reasons
30 for that placement decision. The decision regarding choice of
31 placement shall be based upon selection of a safe setting that is
32 the least restrictive or most familylike and the most appropriate
33 setting that is available and in close proximity to the parent's home,
34 proximity to the child's school, and consistent with the selection
35 of the environment best suited to meet the child's special needs
36 and best interests. The selection shall consider, in order of priority,
37 placement with relatives, nonrelated extended family members,
38 tribal members, and foster family homes, certified homes of foster
39 family agencies, intensive treatment or multidimensional treatment
40 foster care homes, group care placements, such as group homes

1 and community treatment facilities, and residential treatment
2 pursuant to Section 7950 of the Family Code.

3 (2) If a group care placement is selected for a child, the case
4 plan shall indicate the needs of the child that necessitate this
5 placement, the plan for transitioning the child to a less restrictive
6 environment, and the projected timeline by which the child will
7 be transitioned to a less restrictive environment. This section of
8 the case plan shall be reviewed and updated at least semiannually.

9 (3) On or after January 1, 2012, for a nonminor dependent, as
10 defined in subdivision (v) of Section 11400, who is receiving
11 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
12 in addition to the above requirements, the selection of the
13 placement, including a supervised independent living placement,
14 as described in subdivision (w) of Section 11400, shall also be
15 based upon the developmental needs of young adults by providing
16 opportunities to have incremental responsibilities that prepare a
17 nonminor dependent to transition to independent living. If
18 admission to, or continuation in, a group home placement is being
19 considered for a nonminor dependent, the group home placement
20 approval decision shall include a youth-driven, team-based case
21 planning process, as defined by the department, in consultation
22 with stakeholders. The case plan shall consider the full range of
23 placement options, and shall specify why admission to, or
24 continuation in, a group home placement is the best alternative
25 available at the time to meet the special needs or well-being of the
26 nonminor dependent, and how the placement will contribute to the
27 nonminor dependent's transition to independent living. The case
28 plan shall specify the treatment strategies that will be used to
29 prepare the nonminor dependent for discharge to a less restrictive
30 and more familylike setting, including a target date for discharge
31 from the group home placement. The placement shall be reviewed
32 and updated on a regular, periodic basis to ensure that continuation
33 in the group home remains in the best interests of the nonminor
34 dependent and that progress is being made in achieving case plan
35 goals leading to independent living. The group home placement
36 planning process shall begin as soon as it becomes clear to the
37 county welfare department or probation office that a foster child
38 in group home placement is likely to remain in group home
39 placement on his or her 18th birthday, in order to expedite the
40 transition to a less restrictive and more familylike setting if he or

1 she becomes a nonminor dependent. The case planning process
2 shall include informing the youth of all of his or her options,
3 including, but not limited to, admission to or continuation in a
4 group home placement. Consideration for continuation of existing
5 group home placement for a nonminor dependent under 19 years
6 of age may include the need to stay in the same placement in order
7 to complete high school. After a nonminor dependent either
8 completes high school or attains his or her 19th birthday, whichever
9 is earlier, continuation in or admission to a group home is
10 prohibited unless the nonminor dependent satisfies the conditions
11 of paragraph (5) of subdivision (b) of Section 11403, and group
12 home placement functions as a short-term transition to the
13 appropriate system of care. Treatment services provided by the
14 group home placement to the nonminor dependent to alleviate or
15 ameliorate the medical condition, as described in paragraph (5) of
16 subdivision (b) of Section 11403, shall not constitute the sole basis
17 to disqualify a nonminor dependent from the group home
18 placement.

19 (4) In addition to the requirements of paragraphs (1) to (3),
20 inclusive, and taking into account other statutory considerations
21 regarding placement, the selection of the most appropriate home
22 that will meet the child's special needs and best interests shall also
23 promote educational stability by taking into consideration
24 proximity to the child's school of origin, and school attendance
25 area, the number of school transfers the child has previously
26 experienced, and the child's school matriculation schedule, in
27 addition to other indicators of educational stability that the
28 Legislature hereby encourages the State Department of Social
29 Services and the State Department of Education to develop.

30 (d) A written case plan shall be completed within a maximum
31 of 60 days of the initial removal of the child or of the in-person
32 response required under subdivision (f) of Section 16501 if the
33 child has not been removed from his or her home, or by the date
34 of the dispositional hearing pursuant to Section 358, whichever
35 occurs first. The case plan shall be updated, as the service needs
36 of the child and family dictate. At a minimum, the case plan shall
37 be updated in conjunction with each status review hearing
38 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
39 the hearing conducted pursuant to Section 366.26, but no less
40 frequently than once every six months. Each updated case plan

1 shall include a description of the services that have been provided
2 to the child under the plan and an evaluation of the appropriateness
3 and effectiveness of those services.

4 (1) It is the intent of the Legislature that extending the maximum
5 time available for preparing a written case plan from 30 to 60 days
6 will afford caseworkers time to actively engage families, and to
7 solicit and integrate into the case plan the input of the child and
8 the child's family, as well as the input of relatives and other
9 interested parties.

10 (2) The extension of the maximum time available for preparing
11 a written case plan from the 30 to 60 days shall be effective 90
12 days after the date that the department gives counties written notice
13 that necessary changes have been made to the Child Welfare
14 Services Case Management System to account for the 60-day
15 timeframe for preparing a written case plan.

16 (e) The child welfare services case plan shall be comprehensive
17 enough to meet the juvenile court dependency proceedings
18 requirements pursuant to Article 6 (commencing with Section 300)
19 of Chapter 2 of Part 1 of Division 2.

20 (f) The case plan shall be developed as follows:

21 (1) The case plan shall be based upon an assessment of the
22 circumstances that required child welfare services intervention.
23 The child shall be involved in developing the case plan as age and
24 developmentally appropriate.

25 (2) The case plan shall identify specific goals and the
26 appropriateness of the planned services in meeting those goals.

27 (3) The case plan shall identify the original allegations of abuse
28 or neglect, as defined in Article 2.5 (commencing with Section
29 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
30 conditions cited as the basis for declaring the child a dependent of
31 the court pursuant to Section 300, or all of these, and the other
32 precipitating incidents that led to child welfare services
33 intervention.

34 (4) The case plan shall include a description of the schedule of
35 the placement agency contacts with the child and the family or
36 other caretakers. The frequency of these contacts shall be in
37 accordance with regulations adopted by the State Department of
38 Social Services. If the child has been placed in foster care out of
39 state, the county social worker or probation officer, or a social
40 worker or probation officer on the staff of the agency in the state

1 in which the child has been placed, shall visit the child in a foster
2 family home or the home of a relative, consistent with federal law
3 and in accordance with the department's approved state plan. For
4 children in out-of-state group home facilities, visits shall be
5 conducted at least monthly, pursuant to Section 16516.5. At least
6 once every six months, at the time of a regularly scheduled
7 placement agency contact with the foster child, the child's social
8 worker or probation officer shall inform the child of his or her
9 rights as a foster child, as specified in Section 16001.9. The social
10 worker or probation officer shall provide the information to the
11 child in a manner appropriate to the age or developmental level of
12 the child.

13 (5) (A) When out-of-home services are used, the frequency of
14 contact between the natural parents or legal guardians and the child
15 shall be specified in the case plan. The frequency of those contacts
16 shall reflect overall case goals, and consider other principles
17 outlined in this section.

18 (B) Information regarding any court-ordered visitation between
19 the child and the natural parents or legal guardians, and the terms
20 and conditions needed to facilitate the visits while protecting the
21 safety of the child, shall be provided to the child's out-of-home
22 caregiver as soon as possible after the court order is made.

23 (6) When out-of-home placement is made, the case plan shall
24 include provisions for the development and maintenance of sibling
25 relationships as specified in subdivisions (b), (c), and (d) of Section
26 16002. If appropriate, when siblings who are dependents of the
27 juvenile court are not placed together, the social worker for each
28 child, if different, shall communicate with each of the other social
29 workers and ensure that the child's siblings are informed of
30 significant life events that occur within their extended family.
31 Unless it has been determined that it is inappropriate in a particular
32 case to keep siblings informed of significant life events that occur
33 within the extended family, the social worker shall determine the
34 appropriate means and setting for disclosure of this information
35 to the child commensurate with the child's age and emotional
36 well-being. These significant life events shall include, but shall
37 not be limited to, the following:

38 (A) The death of an immediate relative.

39 (B) The birth of a sibling.

1 (C) Significant changes regarding a dependent child, unless the
2 child objects to the sharing of the information with his or her
3 siblings, including changes in placement, major medical or mental
4 health diagnoses, treatments, or hospitalizations, arrests, and
5 changes in the permanent plan.

6 (7) If out-of-home placement is made in a foster family home,
7 group home, or other child care institution that is either a
8 substantial distance from the home of the child's parent or out of
9 state, the case plan shall specify the reasons why that placement
10 is in the best interest of the child. When an out-of-state group home
11 placement is recommended or made, the case plan shall, in
12 addition, specify compliance with Section 7911.1 of the Family
13 Code.

14 (8) ~~Effective January 1, 2010, a~~ A case plan shall ensure the
15 educational stability of the child while in foster care and shall
16 include ~~both of~~ the following:

17 (A) An assurance that the placement takes into account the
18 appropriateness of the current educational setting and the proximity
19 to the school in which the child is enrolled at the time of placement.

20 (B) An assurance that the placement agency has coordinated
21 with the person holding the right to make educational decisions
22 for the child and appropriate local educational agencies to ensure
23 that the child remains in the school in which the child is enrolled
24 at the time of placement or, if remaining in that school is not in
25 the best interests of the child, assurances by the placement agency
26 and the local educational agency to provide immediate and
27 appropriate enrollment in a new school and to provide all of the
28 child's educational records to the new school.

29 (C) *The school and school district of enrollment of the child*
30 *and a description of the child's educational progress, attendance,*
31 *and any other relevant educational information deemed necessary*
32 *by the social worker.*

33 (9) (A) If out-of-home services are used, or if parental rights
34 have been terminated and the case plan is placement for adoption,
35 the case plan shall include a recommendation regarding the
36 appropriateness of unsupervised visitation between the child and
37 any of the child's siblings. This recommendation shall include a
38 statement regarding the child's and the siblings' willingness to
39 participate in unsupervised visitation. If the case plan includes a
40 recommendation for unsupervised sibling visitation, the plan shall

1 also note that information necessary to accomplish this visitation
2 has been provided to the child or to the child's siblings.

3 (B) Information regarding the schedule and frequency of the
4 visits between the child and siblings, as well as any court-ordered
5 terms and conditions needed to facilitate the visits while protecting
6 the safety of the child, shall be provided to the child's out-of-home
7 caregiver as soon as possible after the court order is made.

8 (10) If out-of-home services are used and the goal is
9 reunification, the case plan shall describe the services to be
10 provided to assist in reunification and the services to be provided
11 concurrently to achieve legal permanency if efforts to reunify fail.
12 The plan shall also consider in-state and out-of-state placements,
13 the importance of developing and maintaining sibling relationships
14 pursuant to Section 16002, and the desire and willingness of the
15 caregiver to provide legal permanency for the child if reunification
16 is unsuccessful.

17 (11) If out-of-home services are used, the child has been in care
18 for at least 12 months, and the goal is not adoptive placement, the
19 case plan shall include documentation of the compelling reason
20 or reasons why termination of parental rights is not in the child's
21 best interest. A determination completed or updated within the
22 past 12 months by the department when it is acting as an adoption
23 agency or by a licensed adoption agency that it is unlikely that the
24 child will be adopted, or that one of the conditions described in
25 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
26 be deemed a compelling reason.

27 (12) (A) Parents and legal guardians shall have an opportunity
28 to review the case plan, and to sign it whenever possible, and then
29 shall receive a copy of the plan. In a voluntary service or placement
30 agreement, the parents or legal guardians shall be required to
31 review and sign the case plan. Whenever possible, parents and
32 legal guardians shall participate in the development of the case
33 plan. Commencing January 1, 2012, for nonminor dependents, as
34 defined in subdivision (v) of Section 11400, who are receiving
35 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant
36 to Section 11403, the transitional independent living case plan, as
37 set forth in subdivision (y) of Section 11400, shall be developed
38 with, and signed by, the nonminor.

39 (B) Parents and legal guardians shall be advised that, pursuant
40 to Section 1228.1 of the Evidence Code, neither their signature on

1 the child welfare services case plan nor their acceptance of any
2 services prescribed in the child welfare services case plan shall
3 constitute an admission of guilt or be used as evidence against the
4 parent or legal guardian in a court of law. However, they shall also
5 be advised that the parent's or guardian's failure to cooperate,
6 except for good cause, in the provision of services specified in the
7 child welfare services case plan may be used in any hearing held
8 pursuant to Section 366.21, 366.22, or 366.25 as evidence.

9 (13) A child shall be given a meaningful opportunity to
10 participate in the development of the case plan and state his or her
11 preference for foster care placement. A child who is 12 years of
12 age or older and in a permanent placement shall also be given the
13 opportunity to review the case plan, sign the case plan, and receive
14 a copy of the case plan.

15 (14) The case plan shall be included in the court report and shall
16 be considered by the court at the initial hearing and each review
17 hearing. Modifications to the case plan made during the period
18 between review hearings need not be approved by the court if the
19 casework supervisor for that case determines that the modifications
20 further the goals of the plan. If out-of-home services are used with
21 the goal of family reunification, the case plan shall consider and
22 describe the application of subdivision (b) of Section 11203.

23 (15) If the case plan has as its goal for the child a permanent
24 plan of adoption or placement in another permanent home, it shall
25 include a statement of the child's wishes regarding their permanent
26 placement plan and an assessment of those stated wishes. The
27 agency shall also include documentation of the steps the agency
28 is taking to find an adoptive family or other permanent living
29 arrangements for the child; to place the child with an adoptive
30 family, an appropriate and willing relative, a legal guardian, or in
31 another planned permanent living arrangement; and to finalize the
32 adoption or legal guardianship. At a minimum, the documentation
33 shall include child-specific recruitment efforts, such as the use of
34 state, regional, and national adoption exchanges, including
35 electronic exchange systems, when the child has been freed for
36 adoption. If the plan is for kinship guardianship, the case plan shall
37 document how the child meets the kinship guardianship eligibility
38 requirements.

39 (16) (A) When appropriate, for a child who is 16 years of age
40 or older and, commencing January 1, 2012, for a nonminor

1 dependent, the case plan shall include the transitional independent
2 living plan (TILP), a written description of the programs and
3 services that will help the child, consistent with the child's best
4 interests, to prepare for the transition from foster care to
5 independent living, and, in addition, whether the youth has an
6 in-progress application pending for Title XVI Supplemental
7 Security Income benefits or for Special Immigrant Juvenile Status
8 or other applicable application for legal residency and an active
9 dependency case is required for that application. When appropriate,
10 for a nonminor dependent, the transitional independent living case
11 plan, as described in subdivision (v) of Section 11400, shall include
12 the TILP, a written description of the programs and services that
13 will help the nonminor dependent, consistent with his or her best
14 interests, to prepare for transition from foster care and assist the
15 youth in meeting the eligibility criteria set forth in paragraphs (1)
16 to (5), inclusive, of subdivision (b) Section 11403. If applicable,
17 the case plan shall describe the individualized supervision provided
18 in the supervised independent living placement as defined in
19 subdivision (w) of Section 11400. The case plan shall be developed
20 with the child or nonminor dependent and individuals identified
21 as important to the child or nonminor dependent, and shall include
22 steps the agency is taking to ensure that the child or nonminor
23 dependent achieves permanence, including maintaining or
24 obtaining permanent connections to caring and committed adults.

25 (B) During the 90-day period prior to the participant attaining
26 18 years of age or older as the state may elect under Section
27 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
28 675(8)(B)(iii)), whether during that period foster care maintenance
29 payments are being made on the child's behalf or the child is
30 receiving benefits or services under Section 477 of the federal
31 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
32 appropriate agency staff or probation officer and other
33 representatives of the participant, as appropriate, shall provide the
34 youth or nonminor with assistance and support in developing the
35 written 90-day transition plan, that is personalized at the direction
36 of the child, information as detailed as the participant elects that
37 shall include, but not be limited to, options regarding housing,
38 health insurance, education, local opportunities for mentors and
39 continuing support services, and workforce supports and

1 employment services, a power of attorney for health care, and
2 information regarding the advance health care directive form.

3 (C) For youth 16 years of age or older, the case plan shall
4 include documentation that a consumer credit report was requested
5 annually from each of the three major credit reporting agencies at
6 no charge to the youth and that any results were provided to the
7 youth. For nonminor dependents, the case plan shall include
8 documentation that the county assisted the nonminor dependent
9 in obtaining his or her reports. The case plan shall include
10 documentation of barriers, if any, to obtaining the credit reports.
11 If the consumer credit report reveals any accounts, the case plan
12 shall detail how the county ensured the youth received assistance
13 with interpreting the credit report and resolving any inaccuracies,
14 including any referrals made for the assistance.

15 (g) If the court finds, after considering the case plan, that
16 unsupervised sibling visitation is appropriate and has been
17 consented to, the court shall order that the child or the child's
18 siblings, the child's current caregiver, and the child's prospective
19 adoptive parents, if applicable, be provided with information
20 necessary to accomplish this visitation. This section does not
21 require or prohibit the social worker's facilitation, transportation,
22 or supervision of visits between the child and his or her siblings.

23 (h) The case plan documentation on sibling placements required
24 under this section shall not require modification of existing case
25 plan forms until the Child Welfare Services Case Management
26 System is implemented on a statewide basis.

27 (i) When a child is 10 years of age or older and has been in
28 out-of-home placement for six months or longer, the case plan
29 shall include an identification of individuals, other than the child's
30 siblings, who are important to the child and actions necessary to
31 maintain the child's relationship with those individuals, provided
32 that those relationships are in the best interest of the child. The
33 social worker or probation officer shall ask every child who is 10
34 years of age or older and who has been in out-of-home placement
35 for six months or longer to identify individuals other than the
36 child's siblings who are important to the child, and may ask any
37 other child to provide that information, as appropriate. The social
38 worker or probation officer shall make efforts to identify other
39 individuals who are important to the child, consistent with the
40 child's best interests.

1 (j) The child's caregiver shall be provided a copy of a plan
2 outlining the child's needs and services. The nonminor dependent's
3 caregiver shall be provided with a copy of the nonminor's TILP.

4 (k) On or before June 30, 2008, the department, in consultation
5 with the County Welfare Directors Association of California and
6 other advocates, shall develop a comprehensive plan to ensure that
7 90 percent of foster children are visited by their caseworkers on a
8 monthly basis by October 1, 2011, and that the majority of the
9 visits occur in the residence of the child. The plan shall include
10 any data reporting requirements necessary to comply with the
11 provisions of the federal Child and Family Services Improvement
12 Act of 2006 (Public Law 109-288).

13 (l) The implementation and operation of the amendments to
14 subdivision (i) enacted at the 2005–06 Regular Session shall be
15 subject to appropriation through the budget process and by phase,
16 as provided in Section 366.35.

17 *SEC. 13. Section 16501.4 is added to the Welfare and*
18 *Institutions Code, to read:*

19 *16501.4. (a) The Legislature finds and declares all of the*
20 *following:*

21 *(1) Children in foster care face unique challenges due to the*
22 *array of services and programs provided by numerous local*
23 *agencies. During their time in foster care, a child can interact with*
24 *10 or more individuals representing different public agencies and*
25 *interests where each comes with their own programmatic services*
26 *requirements and legal protections concerning confidentiality for*
27 *children, families, and their caregivers.*

28 *(2) Acknowledging the complexity and the array of programs*
29 *and services that deal with personal and confidential information*
30 *in order to provide effective services to children in foster care,*
31 *there is a great need to allow for fully informed decisions and*
32 *timely access to information to meet the needs of children, families,*
33 *and their caregivers.*

34 *(3) Within the structure of federal, state, and local privacy and*
35 *confidentiality laws, it is important to improve the collaboration*
36 *among the systems that serve children, families, and caregivers,*
37 *including the child welfare, public education, public safety, and*
38 *judicial systems. State and local agencies should make every effort*
39 *to work within existing privacy and confidentiality laws to share*
40 *foster care information and data.*

1 (4) *Through the exchange of information and data between*
2 *these systems there exists the potential to improve collaboration,*
3 *reduce redundancies, and increase administrative efficiencies to*
4 *enhance the delivery of services with the goal of improving*
5 *outcomes for children in foster care.*

6 (5) *It is in the best interest of public policy that foster care case*
7 *level information and statewide data is shared across government*
8 *jurisdictions to improve services and outcomes for foster youth,*
9 *to improve the development of research and data analysis, and,*
10 *to improve informed policy decisionmaking while ensuring*
11 *confidentiality and legal protections for children, families, and*
12 *caregivers.*

13 (6) *State and local agencies that provide for and serve children*
14 *in foster care are strongly encouraged to work collaboratively*
15 *together to enable the sharing of information and data of children*
16 *in foster care to improve the coordination of services for, and to*
17 *improve the outcomes of, children in foster care.*

18 (7) *Any efforts to pursue foster care information and data*
19 *sharing should include the involvement of current and former*
20 *foster youth to inform appropriate user roles and responsibilities*
21 *and to be sensitive and responsive to when and how information*
22 *and data should be shared.*

23 (8) *State and local agencies are encouraged to take advantage*
24 *of existing and developing technologies to establish interagency*
25 *information and data systems to provide for improved information*
26 *and data sharing among agencies serving children in foster care,*
27 *their families, and caregivers. They are also encouraged to develop*
28 *and participate in information and data sharing training programs*
29 *to help ensure the operation, fidelity, and success of interagency*
30 *data systems related to children in foster care.*

31 (b) *To better enable and allow for the sharing of information*
32 *and data to improve outcomes for children in foster care, no later*
33 *than August 1, 2015, the Child Welfare Council, established*
34 *pursuant to Section 16540, shall develop the following:*

35 (1) *A model data and information memorandum of*
36 *understanding in consultation with the Administrative Office of*
37 *the Courts, the State Department of Education, the State*
38 *Department of Health Care Services, the State Department of*
39 *Social Services, the Department of Justice's Privacy Enforcement*
40 *and Protection Unit, the state foster care ombudsperson, county*

1 welfare agencies, local educational agencies, foster youth and
2 educational advocacy organizations, including youth-based foster
3 youth organizations, and the public, that may be used by local
4 county health and human services agencies, probation agencies,
5 local educational agencies, and county courts to facilitate the
6 sharing of foster care information and data. The model
7 memorandum of understanding shall include, but not be limited
8 to, the following data and information sharing principles and
9 requirements:

10 (A) Individual level information shall only be shared if it benefits
11 the outcomes of the foster youth.

12 (B) Specifies how information and data is maintained, disclosed,
13 sealed, and destroyed, especially after a youth has exited the child
14 welfare system.

15 (C) Prohibits information and data from being used to the
16 detriment of the child.

17 (D) Identifies necessary legal confidentiality and privacy
18 requirements, including whether consent is required in specific
19 circumstances.

20 (E) Identifies necessary user roles and responsibilities relating
21 to data and information access.

22 (F) Provides distinctions between the sharing of individual case
23 level information and aggregate level data sharing.

24 (2) A foster care data and information sharing best practices
25 resource guide which shall include, but not be limited to, the
26 following:

27 (A) A review of available foster care data and information that
28 state and local agencies collect that should be shared.

29 (B) An overview of confidentiality and privacy laws and
30 recommendations on what types foster care-related information
31 and data can and should be shared safely and securely.

32 (C) Recommendations on user-based roles and protocol
33 responsibilities.

34 (D) Common data definitions on information and data shared
35 among public agencies.

36 (E) Distinguish principles and protocols between the sharing
37 of aggregate level data and individual level personally identifiable
38 information.

1 (F) *How children in foster care can proactively participate, and*
2 *how their information and data is shared among individuals and*
3 *agencies responsible for providing them care.*

4 (c) *The Child Welfare Council may accept funds donated by*
5 *third-party nonprofit organizations and philanthropic foundations*
6 *to support the development of the model memorandum of*
7 *understanding described in paragraph (1) of, and the resource*
8 *guide described in paragraph (2) of, subdivision (b).*

9 (d) *The Superintendent of Public Instruction, the Secretary of*
10 *the Health and Human Services Agency, and the Administrative*
11 *Office of the Courts shall jointly issue a letter notifying local*
12 *educational agencies and county health and human services*
13 *agencies of the model memorandum of understanding electronically*
14 *to all county health and human services agencies, local educational*
15 *agencies, and courts no later than September 1, 2015.*

16 (e) *No later than January 1, 2016, child welfare and probation*
17 *agencies, juvenile courts, and local educational agencies in each*
18 *county shall enter into a memorandum of understanding for*
19 *purposes of enabling the sharing of foster care information and*
20 *data to better coordinate and collaborate the provision of child*
21 *welfare and educational services with the goal of improving the*
22 *outcomes of children in foster care.*

23 SEC. 14. *Section 16501.5 of the Welfare and Institutions Code*
24 *is amended to read:*

25 16501.5. (a) *In order to protect children and effectively*
26 *administer and evaluate California's Child Welfare Services and*
27 *Foster Care programs, the department shall implement a single*
28 *statewide Child Welfare Services Case Management System no*
29 *later than July 1, 1993.*

30 (b) *It is the intent of the Legislature in developing and*
31 *implementing a statewide Child Welfare Services Case*
32 *Management System to minimize the administrative and systems*
33 *barriers which inhibit the effective provision of services to children*
34 *and families by applying current technology to the systems which*
35 *support the provision and management of child welfare services.*
36 *Therefore, it is the intent of the Legislature that the Child Welfare*
37 *Services Case Management System achieve all of the following:*

38 (1) *Provide child welfare services workers with immediate*
39 *access to child and family specific information in order to make*
40 *appropriate and expeditious case decisions.*

(2) Provide child welfare services workers with the case management information needed to effectively and efficiently manage their caseloads and take appropriate and timely case management ~~actions~~. *actions, which shall include, but not be limited to, the following:*

(A) *The school and school district of enrollment.*

(B) *To the extent possible, the name and contact information of the school district of enrollment's foster youth services liaison, as established by Section 48853.5 of the Education Code, and the foster youth educational services coordinator, as established by Section 42921 of the Education Code.*

(3) Provide state and county child welfare services management with the information needed to monitor and evaluate the accomplishment of child welfare services tasks and goals.

(4) Provide all child welfare services agencies with a common data base and definition of information from which to evaluate the child welfare services programs in terms of the following:

(A) Effectiveness in meeting statutory and regulatory mandates, goals, and objectives of the programs.

(B) Effectiveness in meeting the needs of the families and children serviced by the program.

(C) Projecting and planning for the future needs of the families and children served by the program.

(5) Meeting federal statistical reporting requirements with a minimum of duplication of effort.

(6) Consolidate the collection and reporting of information for those programs which are closely related to child welfare services, including foster care and emergency assistance.

(7) Utilize the child welfare services functionality defined in current and planned automated systems as the foundation for the development of the technical requirements for the Child Welfare Services Case Management System.

(c) It is the intent of the Legislature that the Child Welfare Services Case Management System shall provide the required comprehensive and detailed individual county data needed by the department to implement and monitor the performance standards system.

SEC. 15. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made

1 *pursuant to Part 7 (commencing with Section 17500) of Division*
2 *4 of Title 2 of the Government Code.*

3 ~~SECTION 1. It is the intent of the Legislature to enact~~
4 ~~legislation to improve and enhance the ability to share foster care~~
5 ~~information and data to improve outcomes for youth in foster care.~~

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